IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

and
HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NO : 13996 of 2004

AND

W.V.M.P.NO.2612 OF 2004.

W.P.NO.13996 OF 2004.

Between:

P. MALLESH S/o. P. Shivaiah
H.No. 10-2-299/E, Vijayanagar Colony, Hyderabad.

..... PETITIONER

AND

1 The Dy. Commissioner of Endowments, Boggulkunata,
Tilak Road, Hyderabad.
2 The Executive Officer, Sri Hanuman Temple No. 10-2-

317/182, Vijayanagar Colony,
Hyderabad.
3 Vijay Kumar Agarwal, tenant of 5 Mulgies
of Sri Hanuman Temple,R/o No. 10-2-317/1&2,
Vijayanagar - Colony, C/o. R.S.Traders Hanuman
Temple,
Vijayanagar Colony, Hyd.
4 K. Dayanand, Chairman, Trust Board of Hanuman
Temple, No. 10-2-317/1&2, Vijayanagar Colony, Hyd.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ order or direction more particularly one in the nature of Writ of Mandamus declaring the proposed allotment of two(2) rooms by the respondents 1 and 2 to the respondent No.3 inside Sri Hanuman Temple bearing No.10-2-317/1&2, situated at Vijayanagar Colony, Hyderabad in collusion with the respondent No.4 converting the same into commercial area by depriving the usage of devotees throughout the year and against the interest of the devotees, hurting the sentiments of the followers of Hindu religion as highly illegal and arbitrary and contrary to the Endowments Act and any other relief deemed fit and proper be also granted to the petitioner.

Counsel for the Petitioner : Mr. P. Rana Praveer (Not Present).

Counsel for the Respondent Nos 1 & 2.: G.P. for Endowments.

Counsel for the respondent No.3: Smt.C.Jayasree Sarathy.

Counsel for the respondent No.4: M/s D.Sudarshan Reddy.

W.V.M.P.NO. 2612 OF 2004.

Between:

Vijay Kumar Agarwal, S/o Santhlal Agarwal,

Residing at 11-5-266/4/1, Red Hills,

Hyderabad.

….. PETITIONER.

And

1. P. Mallesh, S/o late Shivaiah,

   Residing at H.No.299/8,

   Vijayanagar Colony, Hyderabad.

2. The Deputy Commissioner of Endowments,

   Boggulkunta, Tilak Road, Hyderabad.

3. The Executive Officer, Sri Hanuman Temple,

   10-2-317/1 & 2, Vijayanagar Colony,

   Hyderabad.

4. K. Devanand, Chairman, Trust Board of

   Sri Hanuman Temple, 10-2-317/1 & 2,

   Vijayanagar Colony, Hyderabad.

(R4 is not a necessary party in this petition)

….. RESPONDENTS

Petition under Section 151 C.P.C., praying that this Hon'ble Court may be pleased to pass an order vacating the interim order of status quo passed on 12.08.2004 in W.P.No.13996 of 2004.

Counsel for the petitioner : Smt. C. Jayasree Sarathy.

Counsel for the respondent No.1 : Mr. P. Rana Praveer
(Not Present).

Counsel for the respondent Nos. 2 & 3: G.P. for Endowments.

The Court made the following :

ORAL ORDER:

(Per Hon'ble The Chief Justice)

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1. One P. Mallesh has filed this writ petition purported to be in public interest seeking direction against respondents 1 and 2 to stop the alleged construction being raised by 3rd respondent in the two rooms, which are inside Hanuman Temple, situated at Vijayanagar Colony, Hyderabad.

2. On writ petition being filed, notice was issued to the respondents and in the meanwhile it was directed that status quo will be maintained.

3 . The 3rd respondent filed an application seeking vacation of status quo order and advance copy of the said application was served upon the counsel for the writ petitioner on 02.09.2004. Application was taken up on 08.09.2004. Nobody appeared on behalf of the writ

petitioner on that day. Therefore, the said application was directed to be taken up today. Writ petition is also posted today. Nobody has put in appearance on behalf of the writ petitioner.

4. We have gone through the writ petition as well as the affidavits in reply filed by 3rd and 4th respondents. 4th respondent is the Chairman of the present Trust Board of Sri Hanuman Temple, Vijayanagar Colony, Hyderabad. As per his affidavit, petitioner was Ex-Trust Board Member and has filed this petition with personal grievance against the trustees of the Trust Board. His locus standi is also under challenge.

5 . It is stated in reply affidavit that in the temple premises, there are four temples, namely, Sri Ramalayam, Sri Shivalayam, Sri Navagraha Temple and Sri Bala Thripura Sundari Ammavari Temple. 3rd respondent is stated to be a tenant in a portion of the main temple property. All the three shops are facing main road.

It is stated that on 05.06.2004, 3rd respondent filed an application before the Executive Officer seeking permission to use the two rooms, which are on the backside of his shops, for godown purposes, on lease basis, after getting the said rooms repaired. His request was placed before the Trust Board which recommended the lease and Deputy Commissioner, Endowments, approved the same. 3rd respondent by spending the amount renovated the two rooms and also paid advance rent for three months. Lease deed was also executed on 07.07.2004, which has been approved by Deputy Commissioner, Endowments.

6. Insofar as temple affairs are concerned, hardly there will be any ground to interfere by this court in such like matters. There is a Trust Board constituted for day-to-day management of the temple with overall supervisory control by the Endowments Department. A deed has been approved by Deputy Commissioner, Endowments, and till such deed is questioned and set aside on certain grounds, which may be valid grounds for setting aside the same, direction prayed for in the writ petition cannot be issued at the behest of the petitioner, who was an Ex-Trust Board Member. Therefore, we are of the view that writ petition has not been filed bona fide and none of the grounds mentioned is a valid ground for questioning the lease executed in favour of 3rd respondent.

7. In the result, writ petition is dismissed and WVMP., is allowed. Interim order of status quo stands vacated. No costs.

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DEVINDER GUPTA. C.J.,

C.V. RAMULU. J.,

Dated: 13.09.2004.

VRK.

To

1 The Dy. Commissioner of Endowments, Boggulkunata,
Tilak Road, Hyderabad.
2 The Executive Officer, Sri Hanuman Temple No. 10-2-
317/182, Vijayanagar Colony,
Hyderabad.
3. The Officer concerned, Public Interest Litigation Cell,
High Court Buildings, Hyderabad.

5. The Secretary, A.P. State Legal Aid & Advisory Board, High Court Buildings, Hyderabad.

6. The Secretary to Government of A.P., Home Department, Secretariat, Hyderabad.

7. Two CCs to G.P. for Endowments, High Court Buildings, Hyderabad (OUT).

8. Two CD copies.

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE C.V. RAMULU.

W.P.NO. 13996 OF 2004

AND

WVMP.NO. 2612 OF 2004.

(Order of the Bench delivered by

Hon'ble The Chief Justice)

Dt: 13.09.2004.